

Application Serial No. 10/604,504
Amendment dated APRIL 19, 2006
Reply to Office Action dated January 19, 2006

REMARKS

Applicants have carefully reviewed the Office Action mailed on January 19, 2006. With this amendment, claims 1, 7, 13, 25, 27, 53, and 55 are amended, claim 26 is cancelled without prejudice, and claims 76-87 are newly presented. Claims 5, 9, 11-12, 15-17, 21-24, 28-52, 54, 56-57, and 60-75 have been withdrawn from consideration. As such, claims 1-4, 6-8, 10, 13-14, 18-20, 25, 27, 53, 55, 58-59, and 76-87 remain pending and under consideration. Support for the claims can be found in the specification and drawings as filed, and no new matter has been added.

Inventorship and Corrected Filing Receipt

A request to correct inventorship under 37 C.F.R. §1.48(c) was filed on December 17, 2004. With that filing, Applicants additionally requested the issuance of a corrected filing receipt reflecting the change of inventorship. Applicants have not yet received an indication that the inventorship has been corrected, and have not yet received a corrected filing receipt reflecting the change of inventorship. Applicants respectfully request that these be issued in due course.

Formal Drawings

In the Office Action Summary, there is no indication of whether or not the formal drawings filed on July 25, 2003 are accepted. Applicants respectfully request that the Examiner indicate whether or not the drawings are accepted in the next communication from the Office.

Restrictions

The Examiner indicated that there was a second restriction requirement made over the telephone resulting in the withdrawal of claims 73-75, and that an election was made without traverse over the telephone on December 6, 2005. However, no such election was made by the current attorney of record – apparently the prior attorney of record was contacted and made the election. In the interest of furthering prosecution in this case, however, the applicants have decided to assent to the election without traverse.

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Remarks Regarding Claim Rejections under 35 U.S.C §102

Claims 1-4, 6-8, 10, 14, 19-20, 25-27, 53, 55, and 58-59 are rejected under 35 U.S.C. §102(b) as being anticipated by Jacobsen et al. in U.S. Patent No. 6,579,246. Applicants respectfully traverse these rejections, and the assertions made by the Examiner in making these rejections, to the extent that they are maintained.

Regarding claims 1-4 and 6, independent claim 1 recites a helical first coil formed from a wire having a substantially non-circular cross section. The Examiner indicated that Jacobsen et al. discloses these features in Figure 17. However, the Applicants do not see this correlation. It is not apparent that any of the coils in Jacobsen et al. are formed from a wire having a substantially non-circular cross section. This can be seen, for example, at the distal end of coil 508 in Figure 17 and at the distal end of coil 532 in Figure 15 where the end of the wire forming these coils is shown as having a substantially circular cross section. For at least this reason, Applicants respectfully submit that independent claim 1 is patentable over Jacobsen et al. Because claims 2-4 and 6 depend from claim 1, they are also patentable for the same reason and because they add significant elements to distinguish them further from the art.

Regarding claims 7-8, 10, 14, and 19-20, independent claim 7 now recites that the first coil is formed from a wire having a substantially non-circular cross-sectional shape. As indicated above, Jacobsen et al. does not teach or suggest such a coil. For at least this reason, Applicants respectfully submit that independent claim 7 is patentable over Jacobsen et al. Because claims 8, 10, 14, and 19-20 depend from claim 7, they are also patentable for the same reason and because they add significant elements to distinguish them further from the art.

Regarding claims 25, 26, and 27, as an initial matter, please note that claim 26 is now cancelled, and claim 27 is amended to correct its dependency in light of the cancellation of claim 26. With regard to the rejection, independent claim 25 now recites that the coil is formed from a wire having a substantially non-circular cross-sectional shape. Again, Jacobsen et al. does not teach or suggest this. For at least this reason, Applicants respectfully submit that independent claim 25 is patentable over Jacobsen et al. Because claim 27 depends

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from claim 25, it is also patentable for the same reason and because it adds significant elements to distinguish it further from the art.

Regarding claims 53, 55, and 58-59, independent claim 53 recites that the radiopaque material is a helical coil made of a wire having substantially non-circular cross section. Again, Jacobsen et al. does not teach or suggest such a coil. For at least this reason, Applicants respectfully submit that independent claim 53 is patentable over Jacobsen et al. Because claims 55 and 58-59 depend from claim 53, they are also patentable for the same reason and because they add significant elements to distinguish them further from the art.

Remarks Regarding Claim Rejections under 35 U.S.C §103

Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatented over Jacobsen et al. in view of Lui (US Publication No. 2002/0010475). Applicants respectfully traverse this rejection and the assertions made by the Examiner in making this rejections, to the extent that it is maintained. Claim 13 is dependent upon independent claim 7. As discussed above, independent claim 7 is patentable over Jacobsen et al. for at least the reason that Jacobsen et al. does not teach or suggest a first coil formed from a wire having a substantially non-circular cross-sectional shape. And Lui does not appear to provide the missing subject matter. Accordingly, for at least this reason, Applicants respectfully submit that independent claim 7 is patentable over the cited references, and because claim 13 depends from claim 7, it is also allowable over the cited references for the same reasons and because it adds significant elements to distinguish it further from the art.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatented over Jacobsen et al. in view of Levine et al. (US Publication No. 2003/0009157). Applicants respectfully traverse this rejection and the assertions made by the Examiner in making this rejections, to the extent that it is maintained. Claim 18 is dependent upon independent claim 7. As discussed above, independent claim 7 is patentable over Jacobsen et al. for at least the reason that Jacobsen et al. does not teach or suggest a first coil formed from a wire having a substantially non-circular cross-sectional shape. And Levine et al. does not appear to provide the missing subject matter. Accordingly, for at least this reason, Applicants respectfully submit that independent claim 7 is patentable over the cited references, and because claim 18 depends from claim 7, it

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is also allowable over the cited references for the same reasons and because it adds significant elements to distinguish it further from the art.

Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By their attorney,

Date: April 19, 2006


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